

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN) ECF Case
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**This Document relates to:**

*Burnett, et al. v. Al Baraka Inv. & Dev. Corp., et al.*, No. 03-cv-9849 (GBD)(SN)

**[PROPOSED] DEFAULT JUDGMENT AGAINST THE TALIBAN FOR SOLATIU  
CLAIMS ARISING UNDER 18 U.S.C. § 2333**

Upon consideration of the evidence and arguments submitted by Plaintiffs in *Burnett, et al. v. Al Baraka Inv. & Dev. Corp., et al.*, Case No. 03-cv-9849 (GBD)(SN), whose claims arise from the terrorist attacks on September 11, 2001, and the Judgment by Default for liability only against *inter alia* The Taliban entered on April 7, 2006 in this Multi-District Litigation (ECF No. 1756), together with the entire record in this case, it is hereby:

**ORDERED** that this Court possesses personal jurisdiction over Defendant The Taliban by virtue of its conduct supporting the terrorist activities of Al-Qaeda including but not limited to the Terrorist Attacks on September 11, 2001 which involved terrorist attacks conducted on American soil in New York, Pennsylvania, and Virginia;

**ORDERED** that this Court possesses subject-matter jurisdiction under the ATA as thousands of United States nationals were injured by reason of the terrorist attacks on September 11, 2001 which constituted acts of international terrorism resulting in significant harm including injury and death;

**ORDERED** that the prior judgments entered against the Islamic Republic of Iran and certain of its agencies and instrumentalities be extended against The Taliban as jointly and severally liable for the compensatory damages amounts previously awarded to the *Burnett* Moving

Plaintiffs set forth on Exhibit B-1 who are immediate family members (or the functional equivalents of immediate family members) of individuals who were killed in the terrorist attacks on September 11, 2001 under the civil-damages provision of the Anti-Terrorism Act (“ATA”), 18 U.S.C. § 2333(a); and it is

**ORDERED** that the Plaintiffs set forth on Exhibit B-2 to this Order be awarded solatium damages in the amounts previously awarded by this Court in similar actions arising out of the terrorist attacks on September 11, 2001: specifically that solatium damages of \$12,500,000 per spouse, \$8,500,000 per parent, \$8,500,000 per child, and \$4,250,000 per sibling, be awarded to the Plaintiffs set forth on Exhibit B-2 according to the values set forth therein under the ATA; and it is

**ORDERED** that the compensatory-damages judgments for the ATA Plaintiffs set forth on Exhibits B-1 and B-2 be trebled in accordance with the mandatory provision of the ATA that provides that successful plaintiffs in an ATA action “shall recover threefold the damages he or she sustains and the cost of suit, including attorney’s fees”; and it is

**ORDERED** that the ATA Plaintiffs set forth on Exhibits B-1 and B-2 be awarded prejudgment interest at the rate of 4.96%, compounded annually, from September 11, 2001 through the date of the judgment entered in the amount of \$\_\_\_\_\_; and it is

**ORDERED** that Plaintiffs identified in Exhibits B-1 and B-2 may submit an application for punitive damages or other damages (to the extent such awards have not previously been ordered) at a later date consistent with any future rulings made by this Court on this issue, and it is

**ORDERED** that the ATA Plaintiffs set forth on Exhibit C to the Eubanks Declaration may submit additional motions seeking recognition as the functional equivalents of immediate family

members of individuals who were killed in the terrorist attacks on September 11, 2001 that would justify the award of solatium damages at a later time; and it is

**ORDERED** that any default judgment issued by this Court against The Taliban as a Defendant in this MDL is not binding on the determination of damages for any other Defendant within this MDL.

Furthermore, the Court respectfully directs the Clerk of the Court to terminate the motion at ECF No. 9548 in 03-MDL-1570 (GBD)(SN) and ECF No. 1122 in 03-cv-9849 (GBD)(SN).

Dated: New York, New York  
\_\_\_\_\_, 2024

**SO ORDERED:**

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GEORGE B. DANIELS  
United States District Judge